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EXAMINER				
CHOJNACKI, MELLISSA M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/611,630

**Applicant(s)**

AARON, JEFFREY A.

**Examiner**

MELLISSA M. CHOJNACKI

**Art Unit**

2164

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7, 9-15, 18-22 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 9-15, 18-22 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Remarks

1. In response to communications filed on May 28, 2009, no new claims are cancelled; claims 1, 13 and 24 have been amended, and no new claims have been added. Therefore, claims 1-3, 7, 9-15, 18-22, and 24-33 are still presently pending in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 12-17, 22-28 and 32-34 rejected under 35 U.S.C. 102(b) as being anticipated by Ruppelt (U.S. Patent No. 6,571,236).

As to claims 1, Ruppelt teaches a method for providing automatically facilitated marketing and provision of electronic services (See abstract), comprising:

searching a database for a match between user input regarding a problem and information in the database (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

obtaining at least one keyword from the information in the database resulting from searching the database for the problem (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38), and

prioritize the at least one offered service based on the determined weighted value customer (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 2 and 14, Ruppelt teaches wherein determining at least one offered service associated with the at least one keyword further comprises: determining at least one generic service related to the at least one keyword (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38, where "generic" is read on "general"); and determining the at least one offered service based on the at least one generic service (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claims 3, 15 and 33, Ruppelt, teaches if the at least one offered service includes a bundle of two or more services, then determining a weighted value associated with the at least one offered service based on a technical weighting and a preference weighting associated with each of the two or more services of the bundle of service (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claims 12 and 22, Ruppelt, teaches outputting the at least one offered service and information associated with the at least one offered service to a user's processing device (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 13, Ruppelt teaches a computer-readable medium (See abstract) comprising:

logic configured to search a database for a match between user input regarding a computer-related problem and information in the database (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

logic configured to obtain at least one keyword from the information in the database resulting from searching the database for the computer-related problem (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34);

logic configured to determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service the technical relevance comprising a utility of the at least one offered service to resolve the computer-related problem, the provider preference comprising a preference of a service provider to sell the at least one offered service (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

logic configured to determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38); and

logic configured to prioritize the at least one offered service based on the determined weighted value (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 24, Ruppelt, teaches a system for automatically facilitated marketing and provision of electronic security services (See abstract), comprising:

a service suggestion analyzer operatively coupled to the cyclor, the service (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

determine at least one offered service associated with the at least one keyword, the at least one offered service associated with a technical weighting indicating a

technical relevance of the at least one offered service and a preference weighting indicating a provider preference of the at least one offered service, the technical relevance comprising a utility of the at least one offered service to resolve the problem, the provider preference comprising a preference of a service provider to sell the at least one offered service (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34, where "service" is read on "solution");

determine a weighted value associated with the at least one offered service based on the associated technical weighting and the associated preference weighting (See column 4, lines 8-38), and

prioritize the at least one offered service based on the determined weighted value customer (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 25, Ruppelt, teaches wherein the service suggestion analyzer further comprises an analyzer module, a service module and an output module (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 27, Ruppelt, teaches wherein the service suggestion analyzer is further configured to: determining at least one offered service associated with the at least one keyword further comprises: determining at least one generic service related to the at least one keyword (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38); and determining the at least one offered service based

on the at least one generic service (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 28, Ruppelt, teaches wherein the analyzer module is further configured to include a lookup table to provide the clustered needs list (See column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

As to claim 32, Ruppelt, teaches wherein the output module is operatively coupled to the service module and the output module is further configured to provide at least one offered service to a user via at least one of a user's display device of a processing device, auditory means including synthesized voice or paging device (See abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9-11, 18-21, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppelt (U.S. Patent No. 6,571,236), in view of Lawrence et al. (U.S. Patent No. 6,738,780).



As to claims 7, 18, and 29, Ruppelt teaches calculating maximum and minimum thresholds (See column 3, lines 35-61). However, Ruppelt does not explicitly teach comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting.

Lawrence et al. teaches autonomous citation indexing and literature browsing using citation context (See abstract), in which he teaches comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting (See column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt, by the teachings of Lawrence et al. because comparing the maximum and minimum thresholds to a ratio of the associated technical weighting and the associated preference weighting to determine if the associated preference weighting is overriding the associated technical weighting would

improve the method for finding relevant and important publications on the web (See Lawrence et al., column 1, lines 61-66).

As to claims 9, 19, and 30, Ruppelt as modified, teaches adjusting or reducing the weighted summation value associated with the at least one offered service if the ratio of the associated technical weighting and the associated preference weighting violates the maximum threshold or the minimum threshold (See Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 10, 20, and 31, Ruppelt as modified, teaches discarding the at least one offered service if the ratio of the associated technical weighting and the associated preference weighting violates the maximum threshold or the minimum threshold (See Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

As to claims 11 and 21, Ruppelt as modified, if the at least one offered service includes a bundle of two or more services calculating a comparison value for the at least one offered service by adjusting the weighted value associated with the at least one offered service (See Ruppelt abstract; column 1, lines 51-67; column 2, lines 1-10; column 3, lines 1-34; column 4, lines 8-38; also see Lawrence et al., column 12, lines 49-67; column 13, lines 1-10; column 14, lines 35-48).

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppelt (U.S. Patent No. 6,571,236), in view of Burnett (U.S. Patent Application Publication No. 2002/0087408).

As to claim 26, Ruppelt does not explicitly teach wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers.

Burnett teaches a system for providing information to intending consumers (See abstract) in which he teaches wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers (See paragraphs 0211; paragraphs 252-253; paragraph 266; paragraphs 277-278; paragraph 369; paragraph 412-413).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Ruppelt, to include wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ruppelt, by the teachings of Burnett because wherein the service suggestion analyzer comprises a psychological assistant module and a special deals interface module configured to provide special sales on time sensitive offers would a means for providing information to intending consumers of commodity products and/or services and to at least ameliorate one or more shortcomings of the prior art (See Burnett, paragraph 0035).

***Response to Arguments***

7. Applicant's arguments filed on May 28, 2009, with respect to the rejected claims in view of the cited references have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELLISSA M. CHOJNACKI whose telephone number is (571)272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 15, 2009  
Mmc

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164